REMARKS

Claims 1-32 were presented for examination, and claims 1-32 stand rejected. In the present amendment, claims 1, 9, 17, and 25 have been amended. No new matter has been introduced. Thus, upon entry of the present amendment, claims 1-32 will be presently pending in this application, of which claims 1, 9, 17, and 25 are independent.

The following comments address all stated grounds of rejection. Applicants respectfully urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

Interview Summary

As described in the Interview Summary dated June 23, 2005, the substance of the interview on June 20, 2005, included a discussion regarding the unintentional blank signature on the last page of the after-final amendment filed on May 25, 2005. In addressing this matter, Applicants submitted a fully executed after-final amendment on June 20, 2005.

Claim Amendments

Claims 1, 9, 17, and 25 have been amended to clarify and more fully appreciate the Applicants' claimed invention. Support for the amended claims can be found on page 14, lines 19-21; Figures 2, 9 and 10; and throughout the remainder of the specification. No new matter has been introduced. Applicants submit that the presently pending claims are in condition for allowance.

Claim Rejections Under 35 U.S.C. §103

I.   Claim 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31, and 32 Stand Rejected under 35 U.S.C. §103 as Unpatentable over McCaleb in view of Britton

Claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31, and 32 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,751,794 to McCaleb *et al.* ("McCaleb") in view of

U.S. Patent No. 6,279,030 to Britton *et al.* ("Britton"). Applicants respectfully traverse this rejection.

A. Independent Claims 1, 9, 17, and 25 Patentably Distinguished

Independent claims 1, 9, 17, and 25 recite a method, system, article of manufacture, and a medium, respectively. These independent claims are directed towards a computer to determine for itself whether to install a patch. As such, the claimed invention does not rely on the server's or the user's decision to determine whether to install the patch. These independent claims provide a script program that processes a computer object including information on installed software and hardware components to determine whether to install the patch on the computer based on attributes of the installation determined by the script program. Applicants submit that McCaleb in view of Britton does not teach or suggest each and every element of the claimed invention.

McCaleb in view of Britton does not teach or suggest a script program that processes a computer object including information on installed software and hardware components to determine whether to install the patch on the computer based on attributes of the installation determined by the script program. Rather, McCaleb provides a script file that generates information about a computer for a server to determine whether a patch should be installed on the computer. In McCaleb, a computer sends a request for an upgrade to a server. The server generates a script file to collect application information of software installed on the computer, and sends the script file to the computer, which collects information as instructed by the server and returns the information back to the server. Then, the server of McCaleb determines whether a patch should be installed by performing a comparison check between the information received from the computer and the most updated upgrade packages for the corresponding software applications (see, column 5, lines 24-55, McCaleb). Thus, instead of the computer determining whether to install the patch on the computer based on attributes of the installation determined by

the script program, the script of McCaleb provides information to server about the software

installed on the client for the server to determine whether to install the patch on the client. Thus,

McCaleb fails to teach or suggest a script program that processes a computer object including

information on installed software and hardware components to determine whether to install the

patch on the computer based on attributes of the installation determined by the script program.

Additionally, McCaleb in view of Britton does not teach or suggest a script including a

patch attribute statement that returns a list of one or more patches if a conditional statement

evaluates as true as in the claimed invention. Rather, the script of McCaleb includes commands

to direct the client to perform self-check functions, such as a check the version, size, and date of a

file, or the amount of free disk space (see column 4, line 63 to column 5, line 7, McCaleb). In

contrast, the script of the claimed invention returns a list of a patch or patches to apply to the

computer if a conditional statement of the script evaluates to true. Instead of returning a list of

one or patches if a conditional state of the script evaluates to true, the script of McCaleb collects

information relative to the applications currently installed on the client (see column 5, lines 7-10,

McCaleb). Then, the server of McCaleb determines if a patch needs to be applied to the client

based on the collected information. Thus, McCaleb in view of Britton fails to teach or suggest a

script including a patch attribute statement that returns a list of one or more patches if the at least

one conditional statement evaluates as true as in the claimed invention.

Furthermore, Britton does not bridge the factual deficiencies of the McCaleb reference.

The Examiner cites Britton merely to suggest that one ordinarily skilled in the art might modify

McCaleb to include the limitation of conditional statements evaluating to true or false. Rather

than being concerned with how a computer determines for itself whether a patch should be

installed, Britton discusses a method and system to dynamically select a program component for

downloading based on current values of one or more attributes. As with McCaleb, Britton does

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not teach or suggest a script program that processes a computer object including information on installed software and hardware components to determine whether to install the patch on the computer based on attributes of the installation determined by the script program. Additionally, Britton does not teach or suggest that the script includes a patch attribute statement that returns a list of one or more patches if the at least one conditional statement evaluates as true as in the claimed invention. As such, Britton fails to bridge the factual deficiencies of the McCaleb reference.

For at least the above-discussed reasons, McCaleb in view of Britton fails to teach or suggest the claimed invention. Thus, McCaleb in view of Britton fails to detract from the patentability of independent claim 1, 9, 17, and 25. Claims 5 and 7-8 depend on and incorporate the patentable subject matter of independent claim 1. Claims 3 and 15-16 depend on and incorporate the patentable subject matter of independent claim 9. Claims 21 and 23-24 depend on and incorporate the patentable subject matter of independent claim 17. Claims 29 and 31-32 depend on and incorporate the patentable subject matter of independent claim 25. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31 and 32 under 35 U.S.C. §103.

II. Claims 2-4, 6, 10-12, 14, 18-20, 22, 26-28 and 30 Stand Rejected under 35 U.S.C. §103

Claims 2, 10, 18, and 26 are rejected under 35 U.S.C. §103(a) as unpatentable over McCaleb in view of Britton in further view of U.S. Patent No. 6,442,754 to Curtis ("Curtis"). Claims 3, 11, 19, and 27 stand rejected under 35 U.S.C. §103(a) as unpatentable over McCaleb in view of Britton and further in view of U.S. Patent No. 6,266,811 to Nabahi ("Nabahi"). Claims 4, 6, 12, 14, 20, 22, 28, and 30 stand rejected under 35 U.S.C. §103(a) as unpatentable over

McCaleb in view of Britton and further in view of U.S. Patent No. 6,513,159 to Dodson ("Dodson"). Applicants respectfully traverse these rejections.

A. Non-obviousness of Claims Dependent From Patentable Independent Claims 1, 9, 17 and 25

For the reasons discussed above in connection with the rejection of the independent claims, McCaleb in view of Britton fails to teach or suggest each and every element of independent claims 1, 9, 17, and 25. As such independent claims 1, 9, 17 ad 25 are patentable and in condition for allowance. Claims 2-3, 10-11, 18-19, and 26-27 depend on and incorporate all the patentable subject matter of independent claims 1, 9, 17, and 25, respectively. Applicants submit that Curtis, Nabahi, and Dodson fail to bridge the factual deficiencies of the McCaleb and Britton references regarding independent claims 1, 9, 17, and 25.

The Examiner cites Curtis merely to suggest that one ordinarily skilled in the art might modify McCaleb in view of Britton to supplement the script of McCaleb with a patch required statement, such as the dependency object of Curtis. The Examiner further cites Nabahi only to suggest that one ordinarily skilled in the art might modify McCaleb in view of Britton to use a command syntax for the script as taught by Nabahi. Additionally, the Examiner cites Dodson merely to suggest that one ordinarily skilled in the art might modify McCaleb in view of Britton to use the conditions taught by Dodson with the conditional statements of McCaleb in view of Britton. However, neither Curtis, Nabahi, nor Dodson, alone or in combination with McCaleb and Britton, teach or suggest a script program that processes a computer object including information on installed software and hardware components to determine whether to install the patch on the computer based on attributes of the installation determined by the script program. Furthermore, neither Curtis, Nabahi, nor Dodson, alone or in combination with McCaleb and

Britton, teach or suggest the script includes a patch attribute statement that returns a list of one or more patches if the at least one conditional statement evaluates as true. Thus, Curtis, Nabahi, and Dodson <u>fail</u> to bridge the factual deficiencies of the McCaleb and Britton references.

For at least the above-discussed reasons, Curtis, Nabahi, and Dodson, alone or in combination with McCaleb and Britton, fail to detract from the patentability of independent claims 1, 9, 17, and 25. As such, Curtis, Nabahi, and Dodson fail to detract from the patentability of dependent claims 2-4, 6, 10-12, 14, 18-20, 22, 26-28 and 30. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2-4, 6, 10-12, 14, 18-20, 22, 26-28 and 30 under 35 U.S.C. §103.

.CONCLUSION

In view of the amendments and remarks set forth above, Applicants contend each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the claims to allowance.

If the Examiner deems there are any remaining issues, we invite the Examiner to call the Applicants' Attorney at the telephone number identified below.

Respectfully submitted,

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